

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al.,  
Plaintiffs,

vs.

C.A. No. 04-312L

JEFFREY DERDERIAN, et al.,  
Defendants.

ESTATE OF JUDE B. HENAULT, et al.,  
Plaintiffs,

vs.

C.A. No. 03-483L

AMERICAN FOAM CORPORATION, et al.,  
Defendants.

**ORDER GRANTING PLAINTIFFS'<sup>1</sup> MOTION TO ACCEPT THE REPORT AND  
RECOMMENDATION OF SPECIAL MASTER POORE AND APPROVE  
MINORS' SETTLEMENTS IN EXCESS OF \$10,000 AND AUTHORIZE  
SETTLEMENT OF MINORS' SETTLEMENTS OF \$10,000 OR LESS  
TO BE FINALIZED PURSUANT TO R.I.G.L. § 33-15.1-1**

This matter came on to be heard on Plaintiffs' Motion (Gray Doc. 2041;  
Henault Doc. 1175) to Accept the Report and Recommendation of Special Master  
Poore and Approve Minors' Settlements in Excess of \$10,000 and Authorize  
Settlement of Minors' Settlements of \$10,000 or Less to be Finalized Pursuant to

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<sup>1</sup> All Station Fire Plaintiffs in the cases of Gray, et al. v. Derderian, et al., C.A. No. 04-312L; Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L; Passa, et al. v. Derderian, et al., C.A. No. 03-148L; Kingsley, et al. v. Derderian, et al., C.A. No. 03-208L; Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L; (Guindon, et al. v. Leggett & Platt, Inc., et al., C.A. No. 07-366L consolidated with Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L); Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L; Roderiques, et al. v. American Foam Corp., et al., C.A. No. 04-026L; Sweet, et al. v. American Foam Corp., et al., C.A. No. 04-056L; Paskowski, et al. v. Derderian, et al., C.A. No. 05-002L; Kolasa v. American Foam Corp., et al., C.A. No. 05-070L; Long v. American Foam Corporation, C.A. No. 06-047L; Malagrino v. American Foam Corp., et al., C.A. No. 06-002L; and Gonsalves v. Derderian, et al., C.A. No. 06-076L.

R.I.G.L. § 33-15.1-1 ("Report and Recommendation"). No objection was filed by any Defendant. After consideration, it is hereby

ORDERED, ADJUDGED AND DECREED:

1. This Court accepts and adopts the Report and Recommendation – including all exhibits thereto – of Special Master William A. Poore Relating to Settlement of Minors' Claims (Gray Doc. 2040; Henault Doc. 1174) ("Special Master's Report") in its entirety and agrees that the settlements are in the best interest of the minors and the settlements are hereby approved.<sup>2</sup>

2. Further, the Court approves the Master Release, Indemnity and Settlement Agreement ("Master Release") attached as Exhibit 1 to Plaintiffs' Motion to accept the Report and Recommendation. (Gray Doc. 2041; Henault Doc. 1175)

3. Accordingly, the Court hereby approves all minors' settlements in the consolidated Station Fire civil cases in excess of \$10,000 and authorizes the guardian, conservator (or equivalent representative) appointed by the respective Probate Court or court of appropriate jurisdiction to execute the Master Release and, further, authorizes settlement of minors' settlements of \$10,000 or less, to be finalized pursuant to R.I.G.L. § 33-15.1-1.

4. By Order of even date herewith, the Court has approved and established a 468B Qualified Settlement Fund. All payments by Defendants made pursuant to the Master Release are to be paid into such Fund.

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<sup>2</sup> A clerical error appears on page 18 at paragraph 11 of the Special Master's Report indicating a \$5,000,000 payment by the Home Depot, Polar, and Celotex Defendants, the so-called "Acoustic Defendants." The Special Master's Report correctly shows at pages 31 and 32 that the payment from the Acoustic Defendants totals \$6,500,000 as is also correctly reflected on the Exhibits to the Master Release, Indemnity and Settlement Agreement (Exhibit 1; Gray Doc. 2041; Henault Doc. 1175).

BY ORDER:



ENTER:

Ronald R. Lagreene, J. S. USNS

Dated: 1/7/10